

REMARKS

Rejection of Claims 29-32 Under 35 U.S.C. §102(b)

Claims 29-32 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by Pike (U.S. Patent 4,031,889). Claim 29, and thus claims 30-32 dependent thereon, have been amended to recite a needleless injection device.

Applicants respectfully note that Pike does not disclose any type of needleless injection device; indeed, all embodiments of the device disclosed by Pike comprise a hypodermic needle. Reconsideration and withdrawal of the rejection are respectfully requested.

Rejection of Claims 1, 27-32 and 35 Under 35 U.S.C. §102(b)

Claims 1, 27-32 and 35 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by McKinnon *et al.* (U.S. Patent 5,064,413). The Examiner points to feature 90 as corresponding to a piston and feature 112 as corresponding to a first cavity of the piston. Applicants respectfully submit, however, that McKinnon *et al.* does not disclose that gas generated by the propellant travels from the interior of the housing to the exterior of the injection device through passage 112 (as required by Applicants claims). Rather, following injection, as the plunger driver 90 is returned to its original ready position, remaining gas in the plunger chamber 114 vents through the plunger driver orifice 112. See, for example, col. 6, lines 59-62. Reconsideration and withdrawal of the rejection are respectfully requested.

Rejection of Claims 33-34 Under 35 U.S.C. §103(a)

Claims 33-34 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over McKinnon *et al.* (U.S. Patent 5,064,413) in view of Haber *et al.* (U.S. Patent 5,304,128). As discussed above, McKinnon *et al.* does not disclose that gas generated by the propellant travels from the interior of the housing to the exterior of the injection device through passage 112 (the alleged first cavity). Haber *et al.* does not remedy this defect. Reconsideration and withdrawal of the rejection are respectfully requested.

Rejection of Claims 1 and 27-35 Under Judicially Created Doctrine of Obviousness-Type
Double Patenting

Claims 1 and 27-35 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-23 of U.S. Patent No. 6,616,627. Applicants do not address the merits of this rejection at this time, as the relevance of the rejection to the claims of the subject application which may ultimately be found allowable has yet to be determined. Applicants will address the merits of the rejection and/or file a Terminal Disclaimer as appropriate at that time. Should the Examiner find that this Amendment overcomes all outstanding rejections and that the claims are otherwise in condition for allowance, Applicants invite the Examiner to contact the undersigned by telephone to expedite addressing the double patenting rejection.

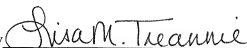
CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that the application is in condition for allowance. If the Examiner believes that a telephone call would be useful in expediting the allowance of the application, the Examiner is invited to contact the undersigned.

Applicant believes that no fee is due for the response other than the fees provided for herewith, if any. However, if an additional fee is due, please charge Deposit Account No. 50-3655, from which the undersigned is authorized to draw, under order number VALT-004-102.

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Respectfully submitted,

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